

ORIGINAL

Decision No. 82090

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of  
Carl R. Addington, G. W. Addington,  
Ralph J. Arias, Robert Arias, Tom Beza,  
Marcos Bosquet, Cornie J. De Bie,  
Tadashi Eguchi, Katsuichi Fujita,  
David Guerrero, Donald R. Hall, Aaron  
Harris, Frank Hirata, Harold Hirata,  
J. B. Kimble, Tom McEwen, Cesar Osejo,  
Juan Osejo, Ralph Pinedo, Jose A. Reyes,  
James A. Rogers, Wallace J. Smit,  
Eddie Thompson and Alex Williams for  
an order under and pursuant to the  
Highway Carriers Act of the State of  
California exempting applicants from  
the provisions of General Order 84-G as  
to C.O.D. shipments from Kellogg Supply  
Co., Inc., 23924 South Figueroa Street,  
Carson, Los Angeles County, California.

Application No. 54335  
(Filed September 18, 1973)

OPINION AND ORDER

Applicants Carl R. Addington, G. W. Addington, Ralph J. Arias, Robert Arias, Tom Beza, Marcos Bosquet, Cornie J. De Bie, Tadashi Eguchi, Katsuichi Fujita, David Guerrero, Donald R. Hall, Aaron Harris, Frank Hirata, Harold Hirata, J. B. Kimble, Tom McEwen, Cesar Osejo, Juan Osejo, Ralph Pinedo, Jose A. Reyes, James A. Rogers, Wallace J. Smit, Eddie Thompson, and Alex Williams are individuals who hold either radial highway common carrier permits or contract carrier permits or both, and they request that they be exempted from the bonding requirements of the Commission's General Order No. 84-G pertaining to carrier handling of C.O.D. shipments when transporting shipments for Kellogg Supply Co., Inc. (Kellogg) of 23924 South Figueroa Street, Carson, Los Angeles County.

By affidavit accompanying the application, Jake P. McLemore, secretary-treasurer of Kellogg, supports the application and represents that the application was filed with his company's knowledge and approval. In the affidavit McLemore represents that his company has been utilizing the services of applicants, some for at least 10 years, for hauling his company's outbound shipments, principally fertilizer and allied products, and that only a very small portion of his company's shipments will move on a C.O.D. basis; that cash picked up by each applicant will not total in excess of 5 percent of the total sale price of the shipments hauled by each applicant; that cash picked up by applicants will be turned in to Kellogg either the same day it is picked up or the following day; and that applicants will rarely have in their possession funds belonging to Kellogg in excess of the amounts due each applicant from Kellogg for hauls performed for Kellogg. Applicants claim that requiring them to purchase the required C.O.D. bond will put applicants to considerable expense and that this expense will cause applicants considerable financial hardship and is unnecessary under the circumstances. The application was noticed in the Commission's Daily Calendar of September 21, 1973. No objections to the granting of the application have been received.

After consideration the Commission finds that applicants should be exempted from the subject bonding requirements and concludes that the application should be granted. A public hearing is not necessary.

IT IS ORDERED that Carl R. Addington, G. W. Addington, Ralph J. Arias, Robert Arias, Tom Beza, Marcos Bosquet, Cornie J. De Bie, Tadashi Eguchi, Katsuichi Fujita, David Guerrero, Donald R. Hall, Aaron Harris, Frank Hirata, Harold Hirata, J. B. Kimble, Duane T. McEwen, Cesar Osejo, Juan Osejo, Ralph Pinedo, Jose A. Reyes, James A. Rogers, Wallace J. Smit, Eddie Thompson, and Alex Williams are exempt from General Order No. 84-G when performing hauls for Kellogg Supply Co., Inc. of 23924 South Figueroa Street, Carson, Los Angeles County; and that the authority granted herein shall expire with November 21, 1974 unless sooner canceled, changed, or extended by order of this Commission.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 7th  
day of NOVEMBER, 1973.

Hermon L. Stegman  
President  
William J. Smit  
James A. Rogers  
James A. Rogers  
Commissioners